

**DISTRICT OF COLUMBIA
DOH OFFICE OF ADJUDICATION AND HEARINGS**

DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
Petitioner,

v.

GLORIA GREENLEIGH TRUSTEES
Respondents

Case Nos.: I-02-72158
I-02-72292

FINAL ORDER

This case was heard at a final default hearing on September 12, 2002. On October 9, 2002, I issued an order requiring the Government to show cause why the case should not be dismissed for non-compliance with the service requirements of D.C. Official Code § 2-1802.05 and the Due Process Clause of the Fifth Amendment. The October 9 Order noted that the Clerk of the Office of Adjudication and Hearings had mailed orders to Respondents on both July 2, 2002 and August 14, 2002. The orders were mailed to 1800 Rockville Pike, Rockville, MD 20852, the service address supplied by the Government. The Postal Service, however, returned both orders as undeliverable at that address.

The evidence at the September 12 hearing showed that the Government obtained the service address from the Office of the Chief Financial Officer's Property Detail Sheet, available on the internet. Petitioner's Exhibit ("PX") 100. The Postal Service's inability to deliver the July 2 and August 14 orders to Respondents at that address raised questions about the accuracy of the address, particularly in light of the Government's concessions in recent cases that such

Property Detail Sheets sometimes do not contain accurate information.¹ Consequently, the October 9 Order required the Government to show the basis for concluding that the service address used was the last known address for Respondents.

The Government filed a timely response to the October 9 Order. It has attached a copy of a deed dated June 1, 1992, and asserts that this deed documents the last transfer of an interest in the property at issue in this case. The deed shows that 2436 Associates Limited Partnership conveyed an undivided 41% interest in the property at issue to the “Greenleigh Family Trust.”² The Government argues that the deed shows that “service has been properly made to the last documented owner.” Petitioner’s Response at 1. Even if the “Greenleigh Family Trust” is the same entity as “Gloria Greenleigh Trustees,” the Respondents in this case, the evidence offered by the Government does not demonstrate proper service. Nothing in the deed states the mailing address for either the Gloria Greenleigh Trustees or the Greenleigh Family Trust. The October 9 Order was issued because the evidence raised questions about the service address used by the Government. Absent evidence that the address used was Respondents’ last known address, I can not conclude that service was proper pursuant to the Civil Infractions Act. D.C. Official Code § 2-1802.05. Consequently, the case must be dismissed. The dismissal is without prejudice to the Government’s right to file a new Notice of Infraction against Respondents if it obtains a

¹ See, e.g., *DOH v. Gardner*, OAH No. I-00-20338 at 2 (Order, August 2, 2002) (noting Government concession that Property Detail Sheets contained inaccurate information concerning seven separate properties).

² The deed proffered by the Government is another example of the inaccuracy of some Property Detail Sheets. The Property Detail Sheet in evidence (PX 100) lists “Gloria Greenleigh Trustees” as the sole owner of the property. The deed, however, indicates that the two owners of the property are 2436 Associates Limited Partnership and the Greenleigh Family Trust.

proper address for them or to file a Notice of Infraction against any other person or entity that it believes may be responsible for the infraction alleged in this case.

Therefore, it is, this _____ day of _____, 2002:

ORDERED, that this case is **DISMISSED WITHOUT PREJUDICE** for lack of proper service; and it is further

ORDERED, that, due to the lack of a current address for Respondents, a copy of this order shall not be served upon them.

/f/ 12/02/02

John P. Dean
Administrative Judge